

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.13157 of 2017

P.Lakshmi

... Petitioner

Vs.

- 1.The Regional Passport Officer,
Shastri Bhawan, No.26, Haddows Road,
Chennai - 600 006.
 - 2.The Regional Passport Officer,
Old No.785, New No.158,
Royala Towers 4th Floor,
No.2 & 3, Anna Salai,
Mount Road, Chennai - 600 002,
Opposite to Raheja Tower & Spencer Plaza,
Behind Quaid E Milleth College.
 - 3.The Passport Seva Kendra,
Navins Presidium,
No.103, Nelson Manickam Road,
Aminjikarai, Chennai.
 - 4.The Passport Seva Kendra,
No.1, Bhanumathi Ramakrishna Road,
Saligramam, Chennai.
- ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to include the petitioner's daughter V.Hari Priya's step-father's name of Mr.D.Prabhu Ram in her Passport No.Z 401 7111 dated 18.04.2017 and re-issue a new Passport to that effect within a short specified period.

For Petitioner : Mr.S.Vijay Anand

For Respondents: Mr.T.V.Krishnamachari,
Senior Central Government
Standing Counsel

O R D E R

Mr.T.V.Krishnamachari, learned Senior Central Government Standing Counsel takes notice for the respondents. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents to include the petitioner's daughter V.Hari Priya's step-father's name of Mr.D.Prabhu Ram in her Passport No.Z 401 7111 dated 18.04.2017 and re-issue a new Passport to that effect within a specified time.

3.It is the case of the petitioner that she married one T.Venkataramanan on 10.05.1999 at Sri Andavar Thirukoil, Vadapalani, Chennai and out of the wedlock, the petitioner got a female child by name V.Hari Priya on 26.08.2000. Subsequently, the petitioner got divorced from the said T.Venkataramanan by filing a divorce petition before the Principal Family Court, Chennai in O.P.NO.1258 of 2015 dated 09.09.2015. Subsequently, the petitioner married one D.Prabhu Ram on 26.05.2016 and registered the same before the Marriage Registrar, Thousand Lights, Chennai on 08.06.2016. The petitioner's daughter passed her 12th Standard and wanted to pursue her MBBS course in abroad. She also obtained Passport from the respondents. In spite of the production of the requisite documents, the respondents refused to include the step-father's name in the petitioner's daughter's Passport and the respondents directed the petitioner to obtain a separate and individual order from the Court for including the step-father's name in the Passport. In these circumstances, the petitioner has filed the Writ Petition.

4.The 1st respondent filed a counter wherein, in paragraph - 5, it has been stated as follows:

"5.I humbly submit that as per the recent Office Memorandum issued by Government of India, Ministry of External Affairs (CPV) Division No.vi/401/01/25/2014 dated 7.6.2017, the following particulars if submitted by the petitioner, the respondent will consider the re-issue of Passport as prayed for by the petitioner.

(a)A self- declaration on a plain paper stating that he/she does not want to have biological father/mother's name on his Passport and instead of that the name of the step father/mother be mentioned against the column of father's mother's name. The applicant also has to declare that in future if there is a litigation, the entire onus to defend the same will be on the applicant side and Passport Issuing Authority shall not be held accountable for the act of the applicant.

(b)At least two educational/public documents where the name of step father/mother is mentioned against the father/mother's name column."

5.Mr.T.V.Krishnamachari, learned Senior Central Government Standing Counsel appearing for the respondents submitted that as per the Office Memorandum issued by the Government of India, Ministry of External Affairs, dated

07.06.2017, the petitioner's daughter should submit the necessary documents for incorporating the petitioner's daughter's step-father's name in the Passport.

6.The learned counsel appearing for the petitioner submitted that the petitioner is willing to abide by the directions mentioned in the Office Memorandum and will produce all the relevant documents as required by the 1st respondent for inclusion of the petitioner's daughter's step-father's name in the Passport.

7.In view of the submissions made by the learned counsel on either side, on compliance with the requirements mentioned in the Office Memorandum dated 07.06.2017, the 1st respondent is directed to consider the petitioner's request for inclusion of the petitioner's daughter's step-father's name viz., D.Prabhu Ram in her Passport No.Z401 7111 dated 18.04.2017 and re-issue a new Passport to that effect within a period of three weeks from the date of production of all relevant documents by the petitioner.

8.With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Regional Passport Officer,
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No.1, Bhanumathi Ramakrishna Road,
Saligramam, Chennai.
- + 1 cc to T.V. Krishnamachari, Advocate Sr.61753
+ 2 ccs to Mr.S.Vijay Anand, Advcoate SR.61597

W.P.No.13157 of 2017

EU 29.08.17

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